

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 17402 of 2004

Between:

Prof.V.S.S.Sastry, s/o late V.Ramaswamy,
Centre for French and Francophone and Studies, Central Institute of English &
Foreign Languages, Hyderabad-500 007.

... PETITIONER

AND

1 The Ministry of Human Resource Development, Govt. of India, represented by its Secretary, Department of Education, Sastry Bhavan, New Delhi-110 001.

2 The Joint Secretary, Ministry of Human Resource Development, Dept. of Secondary & Higher Education, Language Division, Sastry Bhavan, New Delhi-110 001.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus declaring the proceedings issued by the Language Division of Ministry of Human Resource Development, Government of India, Department of Secondary & Higher Education in F.No.9-20/2001 D III(L), dt.3-9-2004 as wholly arbitrary, illegally and violative of the Rule-23 of the Memorandum of Association and Rules of the Central Institute of English and Foreign Languages and Articles 14 and 16 of the Constitution of India and consequently direct the respondents to give approval to the recommendations made by the Board of Governors of the CIFEL for the appointment of the petitioner as the Vice Chancellor of Central Institute of English and Foreign Languages.

Counsel for the Petitioner: MR.S.SHARAT KUMAR

Counsel for the Respondents: MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court at the admission stage made the following:

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Order:

1. The petitioner approached this Court through this writ petition seeking a writ of mandamus to declare the proceedings of the Language Division of Ministry of Human Resource Development, Government of India, Department of Secondary & Higher Education dated 3-9-2004 as wholly arbitrary, illegal and violative of Rule 23 of the Memorandum of Association and Rules of the Central Institute of English and Foreign Languages (CIEFL) and Articles 14 and 16 of the Constitution of India and to direct the respondents to give approval of the recommendations made by the Board of Governors of CIEFL for appointment of the petitioner as Vice-Chancellor of CIEFL, Hyderabad.
2. The petitioner has preferred another writ petition vide W.P.No.18402 of 2004 questioning the order dated 4-10-2004 passed by the first respondent directing the Institute to restart the selection process for the post of Vice-Chancellor and in the said writ petition this Court delivered the judgment today i.e., 26-11-2004 allowing the same and setting aside the order dated 4-10-2004 passed by the first respondent along with the following directions:
 1. The file shall be circulated to the competent authority for its decision expeditiously. The competent authority is directed to pass appropriate orders after taking into consideration the entire material relating to the decision of the Board of the Institute proposing to appoint the petitioner as the Vice-Chancellor. If the competent authority is not inclined to approve the decision of the Board of the Institute, it shall pass appropriate orders by assigning good, valid and compelling reasons for not approving the decision of the Board, which is the appointing authority.
 2. Since the post of the Vice-Chancellor is not a political assignment, the change of the Government shall not have any effect in the process of appointment of the Vice-Chancellor.
 3. The first respondent shall obtain the final decision of the competent authority within a period of two months from the date of receipt of this order, keeping in view the above mentioned observations and directions.

3. In view of the judgment of this Court in W.P. No.18402 of 2004, nothing survives in the present writ petition and the same is accordingly dismissed as infructuous.

(Dr.G. Yethirajulu, J)

26th November 2004

svs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Secretary, Ministry of Human Resource Development, Department of Education, Government of India, Sastry Bhavan, New Delhi-110 001.
2. The Joint Secretary, Ministry of Human Resource Development, Department of Secondary & Higher Education, Language Division, Sastry Bhavan, New Delhi-110 001.
3. 2 CD copies.